

Article - Estates and Trusts

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§13.5–204.

(a) A court of this State having jurisdiction under § 13.5–201 of this subtitle to appoint a guardian or issue a protective order may decline to exercise jurisdiction if the court determines at any time that a court of another state is a more appropriate forum.

(b) (1) If a court of this State declines jurisdiction over a guardianship proceeding or protective proceeding under subsection (a) of this section, the court shall either dismiss the proceeding or stay the proceeding.

(2) A court under paragraph (1) of this subsection may impose any other condition the court considers just and proper, including the condition that a petition for the appointment of a guardian or protective order be promptly filed in another state.

(c) In determining whether the court is an appropriate forum, a court shall consider all relevant factors, including:

(1) An expressed preference of the respondent;

(2) Whether abuse, neglect, or exploitation of the respondent has occurred or is likely to occur and which state could best protect the respondent from the abuse, neglect, or exploitation;

(3) The length of time the respondent was physically located in or was a legal resident of this State or another state;

(4) The distance of the respondent from the court in each state;

(5) The financial circumstances of the estate of the respondent;

(6) The nature and location of the evidence;

(7) The ability of the court in each state to decide the issue expeditiously and the procedures necessary to present evidence;

(8) The familiarity of the court of each state with the facts and issues in the proceeding; and

(9) If an appointment were made, the ability of the court to monitor the conduct of the guardian or conservator.

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